CODE OF ORDINANCES City of JACKSON, MISSISSIPPI

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Preliminaries

CODE OF ORDINANCES CITY OF JACKSON, MISSISSIPPI

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PREFACE

This Code constitutes a complete recodification of the general and permanent ordinances of the City of Jackson, Mississippi.

Source materials used in the preparation of the Code were the 1971 Code, as supplemented through Ordinance No. 1991-14, adopted March 19, 1991, and ordinances subsequently adopted by the city council. The source of each section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is new and was adopted for the first time with the adoption of the Code. By use of the comparative tables appearing in the back of this Code, the reader can locate any section of the 1971 Code, as supplemented, and any subsequent ordinance included herein.

The chapters of the Code have been conveniently arranged in alphabetical order, and the various sections within each chapter have been catchlined to facilitate usage. Notes which tie related sections of the Code together and which refer to relevant state law have been included. A table listing the state law citations and setting forth their location within the Code is included at the back of this Code.

Chapter and Section Numbering System

The chapter and section numbering system used in this Code is the same system used in many state and local government codes. Each section number consists of two parts separated by a dash. The figure before the dash refers to the chapter number, and the figure after the dash refers to the position of the section within the chapter. Thus, the second section of chapter 1 is numbered 1-2, and the first section of chapter 6 is 6-1. Under this system, each section is identified with its chapter, and at the same time new sections can be inserted in their proper place by using the decimal system for amendments. For example, if new material consisting of one section that would logically come between sections 6-1 and 6-2 is desired to be added, such new section would be numbered 6-1.5. New articles and new divisions may be included in the same way or, in the case of articles, may be placed at the end of the chapter embracing the subject, and, in the case of divisions, may be placed at the end of the article embracing the subject. The next successive number shall be assigned to the new article or division. New chapters may be included by using one of the reserved chapter numbers. Care should be taken that the alphabetical arrangement of chapters is maintained when including new chapters.

Page Numbering System

The page numbering system used in this Code is a prefix system. The letters to the left of the colon are an abbreviation which represents a certain portion of the volume. The number to the right of the colon represents the number of the page in that portion. In the case of a chapter of the Code, the number to the left of the colon indicates the number of the chapter. In the case of an appendix to the Code, the letter immediately to the left of the colon indicates the letter of the appendix. The following are typical parts of codes of ordinances, which

may or may not appear in this Code at this time, and their corresponding prefixes: TABLE INSET:

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STATE LAW REFERENCE TABLE	SLT:1
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The index has been prepared with the greatest of care. Each particular item has been placed under several headings, some of which are couched in lay phraseology, others in legal terminology, and still others in language generally used by local government officials and employees. There are numerous cross references within the index itself which stand as guideposts to direct the user to the particular item in which the user is interested.

Looseleaf Supplements

A special feature of this publication is the looseleaf system of binding and supplemental servicing of the publication. With this system, the publication will be kept up-to-date. Subsequent amendatory legislation will be properly edited, and the affected page or pages will be reprinted. These new pages will be distributed to holders of copies of the publication, with instructions for the manner of inserting the new pages and deleting the obsolete pages.

Keeping this publication up-to-date at all times will depend largely upon the holder of the publication. As revised pages are received, it will then become the responsibility of the holder to have the amendments inserted according to the attached instructions. It is strongly recommended by the publisher that all such amendments be inserted immediately upon receipt to avoid misplacing them and, in addition, that all deleted pages be saved and filed for historical reference purposes.

Acknowledgments

This publication was under the direct supervision of James S. Vaught, Supervising Editor, and Robert MacNaughton, Editor, of the Municipal Code Corporation, Tallahassee, Florida. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

The publisher is most grateful to Ms. Pamela R. Taylor, City Clerk, and Ms. Betty A. Mallett, Deputy City Attorney, for their cooperation and assistance during the progress of the work on this publication. It is hoped that their efforts and those of the publisher have resulted in a Code of Ordinances which will make the active law of the city readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the city's affairs.

Copyright

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Chapter 106 SOLID WASTE*

*Cross references: Buildings and building regulations, ch. 26; environment, ch. 54; fire prevention and protection, ch. 58; floods, ch. 62; health and sanitation, ch. 66; manufactured homes and trailers, ch. 82; parks and recreation, ch. 90; secondhand goods, ch. 98; streets, sidewalks and other public places, ch. 110; traffic and vehicles, ch. 118; utilities, ch. 122.

State law references: Authority to compel and regulate removal of garbage, MCA 1972, § 21-19-1.

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ARTICLE I. IN GENERAL

Sec. 106-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commercial establishment means all solid waste collection units other than residential units.

Container means a metal or plastic can of not less than ten gallons, nor more than 30 gallons capacity, fitted with a closely fitting cover, or a treated sack having the same capacity.

Director means the director of the public works department of the city, or his designee.

Garbage means waste of any nature, including human and animal excrement, whether generated in a residence or a business, and shall include kitchen and table waste, paper and cardboard containers, cans and the like. The term "garbage," as used in this article, does not include discarded automobile tires and tubes at recapping plants and discarded automobile tires and tubes in unusual amounts at filling stations, garages and tire stores, such amounts being determined in the discretion of the director of the public works department, or his designee.

Litter means misplaced or mismanaged solid waste.

Refuse means materials associated with the demolition, repair or construction of residences or commercial establishments, including rubble such as concrete or asphalt chunks, rocks, bricks, masonry, sand, soil, roof gutters, wooden pallets, wire, pipe, and lumber. It shall also include, but not be limited to, appliances and furniture.

Removable container means a specially constructed metal container of any size so designed that the same may be mechanically picked up, dumped and/or transported by a specially constructed vehicle designed for that purpose.

Residential unit means a dwelling unit such as a home or trailer, or a dwelling unit in a multifamily dwelling of four or less units, not including hotels or motels.

Solid waste means garbage, refuse, and trash.

Trash means yard clippings, tree trimmings, leaves, wood, metal and similar items normally accumulated in the care and maintenance of residential or commercial property.

(Code 1971, § 14-1; Ord. No. 1992-49, § 1, 10-20-92)

Cross references: Definitions generally, § 1-2.

Secs. 106-2--106-35. Reserved.

ARTICLE II. COLLECTION, HAULING AND DISPOSAL

DIVISION 1. GENERALLY

Sec. 106-36. Promulgation of rules and regulations.

The director is hereby empowered and directed to promulgate from time to time all reasonable rules and regulations necessary for the proper administration of the affairs of his department so long as the same are not repugnant to or inconsistent with this Code or other ordinances of the city. (Code 1971, § 14-17)

Sec. 106-37. User charge--Residential.

- (a) There is hereby imposed on all persons who occupy residential units a user fee of \$15.39 per month for solid waste collection and disposal service, which may be provided under the auspices of the city.
- (b) Reserved

(Code 1971, § 14-19; Ord. No. 1992-49, § 3, 10-20-92; Ord. No. 1993-29, § 1, 10-5-93; Ord. No. 1997-39(2), § 1, 10-21-97; Ord. No. 2003-36(1), 9-6-03; Ord. No. 2003-40(1), § 1, 9-16-03; Ord. No. 2003-39(1), § 1, 9-30-03)

Sec. 106-38. Same--Commercial.

Those units which are not residential are considered commercial. Solid waste collection and disposal service for commercial units will not be provided under the auspices of the city. It shall be the responsibility of commercial establishments to obtain, at negotiated rates, such solid waste collection and disposal service, and to keep the containers free from accumulation of any substance on the inside or the outside which would attract or breed flies, mosquitoes or other insects or rodents and free of noxious odors. The director may inform, in writing, the owner or agent of the unit of the need for additional dumpsters or more frequent pickup, and failure of such unit to comply with the directive within 15 days shall be a misdemeanor punishable by law.

(Code 1971, § 14-20; Ord. No. 1992-49, § 4, 10-20-92)

Sec. 106-39. Scavenging of recyclable materials.

(a) *Definitions*. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Authorized recycling contractor means a person, firm, partnership, corporation, or other entity authorized by virtue of a contract with the city to collect recyclable materials.

Designated recycling collection location means the place designated in the contract between the city and an authorized recycling contractor from which recyclable materials will be collected. The designated recycling collection location shall include any parkway, alley, or curbside location from which municipal waste and other discarded materials are collected. The designated recycling collection location shall also include any recycling center or dropoff point authorized or sponsored by the city.

Recyclable materials means discarded materials such as, but not limited to, newspapers, glass, computer paper, mixed office paper, aluminum and other metallic items, plastics, which are separated from other municipal waste for the purpose of recycling.

Recycling means the process of collecting used materials for the purpose of reusing, reprocessing, or remanufacturing them.

(b) *Prohibited acts*. No person, other than an authorized recycling contractor of the city or authorized employees or agents of the city, shall remove, collect, or pickup or cause to be removed, collected, or picked up any recyclable material that has been placed in a designated recycling collection location as part of a city sponsored recycling program or at a city-designated recycling center.

(c) *Penalty for violation of section.* Any unauthorized removal, collection, or pickup of recyclable materials from one or more designated recycling collection locations shall constitute a separate and distinct offense, punishable as a misdemeanor under this Code.

(Ord. No. 1992-49, § 2(14-21), 10-20-92)

Cross references: Junk dealers, § 98-76 et seq.

Secs. 106-40--106-60. Reserved.

DIVISION 2. COMMERCIAL HAULERS*

*Cross references: Businesses, ch. 30.

Subdivision I. In General

Sec. 106-61. Collection of commercial garbage dumpsters near residential areas; notice and hearing; penalties for violation; variance procedure.

- (a) Restricted hours. No person or entity owning, nor any person driving, a vehicle for commercial solid waste collection and/or hauling shall service commercial garbage dumpsters within 150 feet of any residential structure between the hours of 10:00 p.m. and 7:00 a.m. on weekdays, and between the hours of 10:00 p.m. and 9:00 a.m. on weekends, so as to create a public nuisance to the residents at and near a specific location.
- (b) Notice. If it is determined that a commercial dumpster is serviced between the hours of 10:00 p.m. and 7:00 a.m. on weekdays, and between the hours of 10:00 p.m. and 9:00 a.m. on weekends, so as to create a public nuisance at and near a specific location, the public works director, who shall administer this article, or his designees, shall give written notice to the owner and/or driver of the vehicle servicing such commercial dumpster, or to the owner of such commercial dumpster, by certified mail, return receipt requested, that a public nuisance exists and that such public nuisance must be removed or abated immediately.

If an owner and/or driver of the vehicle servicing a commercial dumpster, or the owner of such commercial dumpster, is notified three times that a public nuisance exists at a specific location, and that such public nuisance has not been removed or abated, such owners and/or driver shall be deemed in violation of this section. If the notice is returned undelivered by the United States Post Office, official action to abate the nuisance shall be continued to a date not less than ten days from the date of such return.

- (c) Hearing. A request by the aggrieved person(s) for a hearing must be made to the public works director within ten days after receipt of the third notice. Such request shall be mailed by certified mail, return receipt requested. Applicants shall also notify by certified mail, return receipt requested, all property owners within 150 feet of the subject location and all neighborhood organizations within 1,000 feet, exclusive of streets and rights-of-way, informing them of the date, time, and place when the hearing will be held. The notice shall be mailed at least 15 days prior to the hearing.
- (d) Penalties for violation.
- (1) Any person or entity found to be in violation of this section shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of \$250.00. Each violation shall constitute a separate offense.
- (2) Any person or entity found to be a multiple violator of this section shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of \$1,000.00 or the maximum fine allowable by law, whichever is greater, or by imprisonment in the county jail for a period of ten business days, or by both such fine and imprisonment. "Multiple violator" as used in this section shall be defined as any person or entity convicted of two or more violations within a 90-day period.
- (e) Procedure for variances. No action shall be taken concerning a variance from this section until after a public hearing in relation thereto, at which parties in interest and the general citizenry shall have an opportunity to be heard. These public hearings shall be held before the city council at such time and place as may be determined by the city council.

No variance from this section shall be passed by the city council unless and until the following conditions have been met:

- (1) A written application for a variance from this section shall be filed with the public works director or his designee. The application shall include a physical location description; location map; the exact nature of the requested variance; the grounds upon which the variance is requested; and/or such other information as may be required by the public works director.
- (2) The variance application shall demonstrate the following:
- a. That special conditions and circumstances exist which are peculiar to the specific location involved and which are not applicable to other locations in the same district or general area.
- b. That literal interpretation of the provisions of this section would deprive the applicant of rights commonly enjoyed by other commercial dumpster owners in the same district or general area under the provisions of this section.
- c. That the special conditions and circumstances do not result from actions or omissions of the applicant.
- d. That granting the variance requested will not confer upon the applicant any special privilege that is denied by this section to commercial dumpster owners and/or drivers servicing such dumpsters in other locations in the same district or general area.
- (3) Applicants shall notify by certified mail, return receipt requested, all property owners within 150 feet of the subject location and all neighborhood organizations within 1,000 feet, exclusive of streets and rights-of-way, informing them of the date, time, and place when the application will be considered by the city council. The notice shall be mailed at least 15 days prior to the city council meeting during which the application will be considered.

(Ord. No. 2006-78(3), 11-21-06) Secs. 106-62--106-85. Reserved.

Subdivision II. Permit

Sec. 106-86. Required.

It shall be the duty of all commercial or contract haulers of garbage, trash, refuse, tree trimmings and the like, whether such waste results from residences, commercial establishments, tree trimmers, landscapers, contractors in the building and construction business and the like, to apply to and receive from the director, a permit for the doing of such work. Applications for this permit may be obtained in the office of the director.

(Code 1971, § 14-26)

Sec. 106-87. Application and fee; issuance; validity; renewal.

- (a) No permit shall be issued until the owner or operator of the vehicle to be used by the hauler shall have filed with the director an application for permit. It shall be the duty of the director to review the application and inspect the vehicle which the hauler proposes to use.
- (b) If the director determines that the vehicle is unsuitable for the proposed use or that for other reasons the proposed service cannot be competently performed, he shall deny the application. However, if the director determines that the vehicle is suitable for the proposed use and that the proposed service can be competently performed, he shall approve the application of the hauler.
- (c) After approving the application, the director shall not issue the permit until the hauler pays a \$50.00 fee for each vehicle which it proposes to use in its hauling service. After the requisite amount is received by the director, he shall issue the permit to the hauler. The permit so issued shall be valid for one year from the date of its issuance. No renewal shall be given until a new application is filed, an inspection is conducted and the fee is paid.

(Code 1971, § 14-27)

Sec. 106-88. Display of permit number on trucks following issuance.

After issuance of the permit required by this division, the trucks used by the holder of such permit shall be given a number corresponding with the number of the permit, and such number shall be displayed on such vehicle at all times.

(Code 1971, § 14-28)

Sec. 106-89. Permitholder to remove garbage, refuse or dirt which falls to street.

- (a) It shall be unlawful for any hauler of garbage under a permit issued by this division to allow any garbage, refuse or dirt removed by him to fall upon any street, highway or any other public transportation way, without promptly removing the same.
- (b) It shall be the duty and responsibility of all construction contractors, builders, and remodelers, tree trimming contractors, tree surgeons, landscapers and the like to keep construction premises free of litter and to remove all the rubbish, trimmings and trash resulting from the operation of their respective operations from the premises during the course of their operation, and immediately following the same, so as to leave the premises free and clear of such rubbish, trimmings and debris. (Code 1971, § 14-29; Ord. No. 1992-49, § 5, 10-20-92)

Sec. 106-90. Revocation.

Violation of any provision of this division shall result in the revocation of the permit issued under this division. In addition thereto, a person who violates a provision of this division shall be guilty of a misdemeanor and, upon conviction, shall be punished pursuant to the requirements of state law. Each offense is considered a separate offense and punishable as such.

(Ord. No. 1992-49, § 6, 10-20-92)

Secs. 106-91--106-110. Reserved.

DIVISION 3. COLLECTION AND DISPOSAL

Sec. 106-111. Removal and disposal of solid waste generally.

All residential solid waste shall be collected, removed and disposed of under the auspices of the public works department of the city. (Code 1971, § 14-36)

Sec. 106-112. Nonrecurring or infrequent special collection and removal service fees.

- (a) If a property owner, occupant or commercial or contract landscaper, tree trimmer or similar contractors places solid waste in the public rights-of-way in violation of the ordinances of the city, the director or designee shall have the authority to dispatch a crew and necessary equipment to remove the solid waste from the public right-of-way and shall have the authority to charge the property owner, or commercial or contract landscaper, tree trimmer or similar contractor fees based on the following schedule:
- (1) Hand crew--\$900.00 per hour
- (2) Bobcat crew--\$151.00 per hour
- (3) Clamshell crew--\$156.00 per hour
- (b) In the event the violator is a commercial or contract landscaper, tree trimmer, or similar contractor, the director will have the authority to assess fees against the same if a property owner or occupant supplies the director with written evidence that the solid waste was placed in the public rights-of-way by a commercial or contract landscaper, tree trimmer or similar contractor.
- (c) The property owner, occupant or commercial or contract landscaper, tree trimmer or similar contractor shall be notified of the violation and will have seven days to comply with the city's ordinances.
- (d) Each property owner, occupant or commercial or contract landscaper, tree trimmer or similar contractor will be assessed a one-hour minimum charge for each crew dispatched to collect solid waste placed in the public right-of-way in violation of the city's ordinances. Failure by any property owner, occupant or commercial or contract landscaper, tree trimmer or similar contractor to pay such fees shall be a misdemeanor and punishable as such.

(Code 1971, § 14-37; Ord. No. 1992-49, § 7, 10-20-92; Ord. No. 1997-37(3), § 1, 11-4-97)

Sec. 106-113. Placement of garbage for collection from residences and apartments.

- (a) It shall be the duty of all householders within the city to place garbage in regulation containers, under closely fitting covers or treated garbage bags, within five feet of the traveled portion of the street, on garbage pickup days which have been designated by the director, before the hours of 7:00 a.m., and to remove the empty containers from the street promptly following the pickup of the garbage, but in no case later than 9:00 p.m. It shall be unlawful for any householder to use any other than the standard regulation container, or to place garbage on the street at any other than days designated for the removal thereof by the director, except approved built-in underground receptacles, or to allow empty containers to remain on the street at a longer time than that designated in this section.
- (b) The owner, or his authorized representative, of any apartment or apartment complex consisting of five or more living units shall provide adequate storage containers or facilities approved by the director, for the proper storage of all refuse from tenants of the apartments and be responsible for keeping the premises clean. Access drives or driveways must be available for solid waste collection vehicles.
- (c) The owner, or his authorized representative, of apartments with less than five living units will be responsible for tenants complying with this division and the premises being kept clean. (Code 1971, § 14-38)

Sec. 106-114. Placement for collection at commercial establishments.

It shall be the duty of the owner, manager or operator of every commercial establishment to provide for removal and disposal of its solid waste in such a manner and with sufficient frequency to cause the premises to be free from litter at all times. Except during the hours when the disposal service is to be provided, containers for such disposal shall not be placed in the public right-of-way or on the sidewalk.

(Code 1971, § 14-39; Ord. No. 1992-49, § 8, 10-20-92)

Sec. 106-115. Container requirements.

- (a) It shall be unlawful for any person at a residence to use any other than the standard regulation container. The director may, at his discretion, after notice to the owner, remove nonregulation containers along with the garbage.
- (b) Commercial establishments shall use such containers as are necessary to avoid the scattering of their solid waste. (See subsection 106-117(a)(2).)
- (c) Furniture, appliances (with doors removed), water heaters, mattresses, bedsprings and other large objects which cannot be placed in containers shall be stored or stacked in a neat and orderly manner for collection on the weekly second pickup date.

(Code 1971, § 14-40; Ord. No. 1992-49, § 9, 10-20-92)

Sec. 106-116. Removal and disposal of trash generally.

- (a) Regular collection: Regular collection services shall be provided for, on the first collection day of the week (as designated by the director or designee):
- (1) Leaves, yard clippings, paper, straw and other flexible objects when placed in a container as required by section 106-117.
- (2) Yard debris that is containerized as required by section 106-117(a)(1); and, on the second collection day of the week (as designated by director or designee):
- (3) All containerized garbage and all yard debris which is not containerized, but does not exceed the volume limits established in section 106-117(a)(2).
- (b) *Noncollectible materials*. Collection service shall not be provided for certain types of material. The following material must be disposed of by and at the expense of the person responsible for its production:
- (1) Materials used in construction or repair of buildings or resulting from the demolition of buildings.
- (2) Logs and limbs resulting from commercial, contracted, or major tree trimming operations. (Code 1971, § 14-40.1; Ord. No. 1997-37(3), § 2, 11-4-97)

Sec. 106-117. Preparation, storage and placement of trash for collection generally.

- (a) Property owners or occupants shall be required to prepare and store trash for collection in a neat and orderly manner according to the following:
- (1) Paper and other small or flexible objects shall be placed in approved containers not exceeding 30-gallon capacity. Containers of paper, and other light material subject to being scattered by wind shall be covered, closed or otherwise suitably prepared to prevent scattering by normal winds. Approved containers shall include, but are not limited to, standard metal or plastic garbage cans, cardboard boxes, paper or plastic bags manufactured for refuse disposal or other suitable containers which, when full, do not exceed 60 pounds in weight. Any container that is collapsed, disintegrated or otherwise damaged to the degree that it is rendered useless for the purpose of holding trash at the time of collection shall not be an approved container and will not be collected.
- (2) Discarded tree branches, shrubbery, leaves, yard clippings and pine straw (green waste) can be containerized or placed out loose, but shall not exceed a volume of two cubic yards or 54 cubic feet. Tree limbs shall be no more than four inches in diameter.

(Code 1971, § 14-41; Ord. No. 1992-49, § 10, 10-20-92; Ord. No. 1997-37(3), § 3, 11-4-97)

Sec. 106-118. Loose, noncontainerized trash; responsibility of property owner or occupant to remove.

Any trash or debris which has not been containerized, stacked neatly by the curb, or stored in accordance with the provisions of section 106-117 shall be prohibited unless arrangement for a special collection has been made. Where such trash or debris has been placed in the public right-of-way, the owners and occupants of abutting private property shall be responsible for its removal and storage, as provided by this article.

(Code 1971, § 14-42; Ord. No. 1992-49, § 11, 10-20-92)

Sec. 106-119. Hazardous materials to be placed in special containers.

It shall be the duty of every person having garbage to be handled by the director, to place all broken glass, razor blades and any other material which may injure a worker in the handling of the same, in special containers in order to prevent injuries in the disposal of such hazardous materials. (Code 1971, § 14-43)

Sec. 106-120. Ownership and reclamation of materials placed for disposal.

- (a) It is conclusively presumed that all materials placed for collection/disposal by the city have been abandoned, and all the interest of the owner therein is surrendered and transferred to the city.
- (b) The director shall at all times maintain a claims department where he will keep all valuables actually coming in his hands which appear to have been inadvertently placed for disposal, and shall deliver the same to the rightful owner upon identification and proof of ownership. The city, however, will assume no responsibility for the safekeeping and redelivery of any such articles placed for disposal by the city. (Code 1971, § 14-44)

Secs. 106-121--106-145. Reserved.

DIVISION 4. SANITARY LANDFILLS

Sec. 106-146. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Sanitary landfill means any site managed, controlled and operated by the city for the purpose of disposing of garbage, trash, debris and other types of refuse material. Such sites being operated for the purpose of maintaining and protecting the public health, safety and welfare. (Code 1971, § 14-50)

Cross references: Definitions generally, § 1-2.

Sec. 106-147. Penalty for violation of division.

Violation of any section of this division shall constitute a separate misdemeanor and, upon conviction, shall be punishable by the maximum penalty provided by state statute for violation of a municipal ordinance.

(Code 1971, § 14-55)

Sec. 106-148. Use; fees.

It shall be unlawful to enter upon any sanitary landfill managed, controlled, and operated by the City of Jackson for the purpose of removing or disposing of garbage, trash, debris, or refuse material of any type except as hereinafter provided:

- (1) All refuse material collected by the City of Jackson Public Works Department or any other department or agency of the city shall be disposed of at said sanitary landfills for the purpose of disposing of refuse material collected in the course of the operation of the public works department or any other city department or agency.
- (2) All persons other than those provided for in subparagraph (1) of this section shall pay the following amounts when disposing of trash, debris, and other types of refuse material at the Byram Solid Waste Facility managed, controlled or operated by the City of Jackson: TABLE INSET:

Charges by Type of Vehicle	
Type of Vehicle	Cost
Pick-up, residents/noncommercial, per load	\$10.00
Pick-ups, two-wheel trailers, per load	15.00
Two-wheel trailer, residents/noncommercial, per load;	15.00
Loading mulch (per vehicle)	10.00
Special handling for dead livestock, per animal	25.00
Vehicle Unloading Fee	10.00

(Code 1971, § 14-51; Ord. No. 1992-1, § 1, 1-7-92; Ord. No. 1992-46, § 1, 10-6-92; Ord. of 2-28-95, § 1; Ord. No. 2003-32(2), § 1, 8-19-03)

Sec. 106-149. Identification of users.

Commercial solid waste haulers shall provide landfill personnel with truck numbers and the location of the area in which the trucks are collecting the solid waste intended to be deposited at the city

landfill. All other users will be identified and verified as county users by either the address on their driver's license or their voter registration card.

(Code 1971, § 14-51.2)

Sec. 106-150. Fees to be deposited in fund; use.

All fees generated by the landfill charges shall be deposited in a special fund dedicated for use in maintaining and operating the landfill, it being understood that these may not be the sole source of funds used for such purposes.

(Code 1971, § 14-51.3)

Sec. 106-151. Review of fees by mayor and council.

The landfill fees will be accounted for so that on a periodic basis, as may be requested by the mayor and/or city council, their adequacy to support the landfill operation can be reviewed. (Code 1971, § 14-51.4)

Sec. 106-152. Coupons to be sold for entrance to landfill.

The director shall cause to have printed and shall sell coupons at the office of the engineering maintenance division. Such coupons shall be in denominations to be determined by the director, and the coupons shall be used to pay admission fees to the city sanitary landfills. (Code 1971, § 14-52)

Sec. 106-153. Prohibited materials.

Types of material not admitted to the city sanitary landfills shall be as follows:

- (1) Ground glass;
- (2) Explosive or inflammable liquids;
- (3) Oil;
- (4) Drained sewage;
- (5) Animal excrement;
- (6) Livestock carcasses, except in cases of emergency such as vehicular accident;
- (7) Vehicle bodies;
- (8) Spring steel or wire longer than four feet; and
- (9) Hazardous waste, except as approved by the director or the bureau of pollution control.

(Code 1971, § 14-54)

Secs. 106-154--106-175. Reserved.

DIVISION 5. LITTER

Sec. 106-176. Prohibited acts and abatement generally.

- (a) A person shall not throw, dump, deposit or cause to be thrown, dumped or deposited litter on property owned by another person without the permission of the owner or occupant of such property, or on any public highway, street or road, upon public parks or recreation areas, or upon any other public property, except that property designated for that use.
- (b) Any person who accidentally causes any object, article or substance to be dropped, thrown or deposited upon any street, sidewalk or right-of-way shall immediately remove same or cause it to be removed.

(Code 1971, § 14-2(b); Ord. No. 1992-49, § 13(14-60), 10-20-92)

Sec. 106-177. Initiation of prosecution for violation of article.

Prosecution for a violation of any section in this division may be initiated by a peace officer who witnessed an offense in violation of such sections, or who discovered an article bearing a person's name on the property of another, or any public highway, street or road, upon a public park or recreation area, or upon any other public property, except that designated for that use, or by any private citizen, who witnessed an offense or discovered incriminating evidence, who is willing to make the initial charge and testify for the city.

(Ord. No. 1992-49, § 25(14-72), 10-20-92)

Sec. 106-178. Penalty for violation of division.

A person who violates a provision of this division shall be guilty of a misdemeanor and, upon conviction, shall be punished pursuant to the requirements of state law. Each offense is considered a separate offense and punishable as such.

(Ord. No. 1992-49, § 26(14-73), 10-20-92)

Sec. 106-179. Dumping on another's property; identification of violator.

If an object of litter is discovered on another's property without his permission, on any public highway, street or road, upon public parks or recreation areas, or upon any other public property, except that property designated for that use, bearing a person's name or evincing by other means the identity as to ownership and/or control of the litter prior to its unlawful deposit, it shall be prima facie evidence that the person so identified, threw, dumped, deposited or caused it to be thrown, dumped or deposited there. (Ord. No. 1992-49, § 14(14-61), 10-20-92)

Sec. 106-180. From motor vehicle; presumption of driver's responsibility; exception.

If the throwing, dumping or depositing of litter was done from a motor vehicle, except a motor bus, it shall be prima facie evidence that the throwing, dumping or depositing was done by the driver of the motor vehicle.

(Ord. No. 1992-49, § 15(14-62), 10-20-92)

Sec. 106-181. Report of violation of article.

- (a) Any person, whether or not such person is a citizen of the city, who shall witness the throwing, dumping, or depositing of litter from a motor vehicle into any public highway, street or road, onto another's property without the owner's permission, onto public park or public recreation lands, or onto any other public property, except such as is designated for the throwing, dumping or depositing of litter, may report the date and time of day of the littering and the license plate registration number and state of registration to any state or local law enforcement authority.
- (b) The license plate registration number, as recorded, shall constitute prima facie evidence that the littering was done by the person to whom such motor vehicle is registered.

(c) Any person so reporting a violation shall be required to appear as witness in any prosecutions resulting therefrom.

(Ord. No. 1992-49, § 16(14-63), 10-20-92)

Sec. 106-182. Removal of debris from wrecked or damaged vehicle; remover's responsibility.

Any person removing a wrecked or damaged vehicle from a street shall remove any glass or other substances dropped onto the street, sidewalk or right-of-way from such vehicle. (Ord. No. 1992-49, § 17(14-64), 10-20-92)

Sec. 106-183. Placement or deposit in public or private receptacles.

No person shall place or deposit litter in public receptacles or in authorized private receptacles except in such a manner as to prevent it from being scattered or carried by the elements onto any street, sidewalk, other public place or upon private premises. (Ord. No. 1992-49, § 18(14-65), 10-20-92)

Sec. 106-184. Sidewalks and public areas in front of private premises; owner's

responsibility to remove.

- (a) Persons owning or occupying private premises shall make reasonable efforts to keep the sidewalk in front of such premises free of litter.
- (b) Private business receptacles shall at all times be maintained in such a manner as to keep the public areas adjacent to the private premises free of litter.

(Code 1971, § 26-13; Ord. No. 1992-49, § 19(14-66), 10-20-92)

Sec. 106-185. Sweeping into or depositing in gutters, streets or other public places.

No person shall sweep into or deposit in any gutter, street or other public place the accumulation of litter from any building, lot or from any public or private sidewalk or driveway. (Code 1971, § 26-14; Ord. No. 1992-49, § 20(14-67), 10-20-92)

Sec. 106-186. Dead animals.

Dead animals shall not be placed in garbage containers for regular collection. Such animals will be removed by special pickup on call to the animal control division. (Ord. No. 1992-49, § 21(14-68), 10-20-92)

Sec. 106-187. Declaration of nuisance; abatement; failure to abate to result in criminal penalties.

Any unauthorized accumulation of garbage, refuse or trash on any premises is hereby declared to be a nuisance, dangerous to the public health, safety, convenience and welfare and is prohibited. The owner or agent of the property having the accumulation shall be subject to criminal penalties if the accumulation of garbage, refuse or trash is not removed within 30 days after written notice from the director of such violation.

(Ord. No. 1992-49, § 22(14-69), 10-20-92)

Sec. 106-188. Commercial or noncommercial handbills; posting on vehicles or private premises.

(a) No person shall throw or deposit any commercial or noncommercial handbill in or upon any vehicle. However, it shall not be unlawful in any public place for a person to hand out or distribute, without charge to the receiver thereof, a noncommercial handbill to any occupant of a vehicle who is willing to accept it.

(b) No person shall throw or deposit any commercial or noncommercial handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant. (Ord. No. 1992-49, § 23(14-70), 10-20-92)

Sec. 106-189. Additional remedy.

In addition to the remedies given in this article, the city may also elect, as an additional or accumulative remedy, to seek equitable relief to abate the problem.

(Ord. No. 1992-49, § 24(14-71), 10-20-92)

Secs. 106-190--106-210. Reserved.

ARTICLE III. HAZARDOUS MATERIALS

Sec. 106-211. Short title of article.

This article shall be known and may be cited as the "City of Jackson Hazardous Material Ordinance."

(Code 1971, § 14 1/2-1)

Sec. 106-212. General findings.

The council finds that there is a risk in the production, use, storage, disposition and transportation of hazardous material to its citizens, labor force, traveling public and shipping and transportation industry, and promulgates this article as constituting an efficient reduction of the real risk. The council believes that the burden imposed on the producers, users, storers, shippers and transportation carriers, if any, is justified.

(Code 1971, § 14 1/2-2)

Sec. 106-213. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Carrier means and includes a common, contract, or private carrier of property by any mode of transportation.

Fire prevention code means the Standard Fire Prevention Code adopted by the city.

Hazardous material means a substance or material which has been determined by an official agency of the United States government to be capable of posing an unreasonable risk to health, safety and property when manufactured, mined, used, stored and transported, and which has been so designated.

Permit means the written authorization for the transport of radioactive waste that is required by MCA 1972, § 45-14-51 et seq., and regulations implementing the provisions of this legislation issued by state board of health.

Person means any individual, corporation, partnership, association or governmental agency of the United States.

Preferred route means the routes designated by the council of the city by which hazardous material is to be transported into, through and within the city.

Public safety official means members of the fire and police departments of the city.

Shipper means any person, corporation, association or other entity that sends goods by any mode of transportation.

(Code 1971, § 14 1/2-3)

Cross references: Definitions generally, § 1-2.

Sec. 106-214. Penalties for violation of article.

Violations of the provisions of this article or failure to comply with any of its requirements, shall constitute a misdemeanor. Any person who violates this article or fails to comply with any of its provisions shall, upon conviction, be fined not more than \$500.00 and imprisoned not more than 90 days, or both. Each day any such violation occurs shall be a separate offense. Nothing contained in this section shall prevent the city from taking such lawful action as is necessary to prevent or remedy any violation. (Code 1971, § 14 1/2-10)

Sec. 106-215. Preferred routes.

(a) The interstate highways are adopted as preferred routes for motor vehicle transportation of hazardous material into and through the city, when this material is not destined for delivery within the city.

- (b) The principal arteries or streets within the city are adopted as preferred routes for motor vehicle transportation of hazardous material when this material is to be picked up or delivered to locations within the city.
- (c) The main trunk lines of railroads are adopted as preferred routes for rail transportation of hazardous material through the city, unless it is necessary to move this material via switching lines in order to place rail cars at delivery sites within the city. (Code 1971, § 14 1/2-4)

Sec. 106-216. Application of article provisions.

- (a) No person shall knowingly manufacture, ship, transport, use or store hazardous material, or knowingly cause to manufacture, ship, transport, use or store hazardous material in the city, except in accordance with United States Department of Transportation or Nuclear Regulatory Commission regulations, state statutes, city fire prevention code and this article.
- (b) The restrictions of this article apply to all hazardous materials that are identified by appropriate United States federal agencies, state statutes, and the city.
- (c) The provisions of the United States Department of Transportation regulations, state statutes and regulations, and city ordinances apply to transportation of hazardous material into, within and through the city.
- (d) The manufacture, use, handling, and storage of hazardous material within the city will be in accordance with the provisions of the fire prevention code of the city.
- (e) The provisions of this article shall not apply to hazardous material shipped by or for the United States government for military or national security purposes, or which are related to national defense. Nothing in this section shall be construed as requiring the disclosure of any defense information or restricted data so classified by the United States government. (Code 1971, § 14 1/2-5)

Sec. 106-217. General standards.

- (a) *Routing*. Movement routing all vehicles to transport any hazardous material shall be confined to preferred routes, except when:
- (1) Emergency conditions make the preferred routes unsafe;
- (2) The vehicle used to transport the hazardous material is required to enter the city limits before gaining access to the preferred routes;
- (3) Delivery point of hazardous material is located in an area that required the vehicle to move over other streets; the shortest and/or safest route will be used; or
- (4) It is necessary to stop for rest, fuel, or vehicle repairs.
- (b) Reports required. All manufacturers, users, storers, transporters of, or other entity whatsoever, shall immediately report incidents or accidents involving hazardous materials, whether there is evidence of release or not, to the chief of police by the fastest possible means of communication and within the shortest time possible, after occurrence of such accident or incident. The body of the report shall indicate:
- (1) Location of accident/incident;
- (2) Hazardous material involved; and
- (3) Availability of shipping papers in transportation accident.
- (c) *Transport vehicle*. The operator of a vehicle used to transport hazardous material shall, before operating such vehicle into, within or through the city, inspect such vehicle and determine that:
- (1) Brakes are in good working order;
- (2) Steering mechanism is in good working order;
- (3) All electrical wiring is in good working order;
- (4) The vehicle is in a safe condition to transport hazardous material:
- (5) All emergency features are installed and operative, as required by the federal Department of Transportation, state statutes, and regulations and applicable ordinances of the city; and

- (6) That hazardous material placarding, as required by the federal Department of Transportation, is accomplished.
- (d) *Operator qualifications*. No person shall operate a vehicle used to transport hazardous material without first having met driver or operator training requirements, as outlined in the federal Department of Transportation regulations, state statutes and city ordinances.
- (e) Radioactive waste material permit. No person shall transport radioactive waste material into, within, or through the city, without a permit issued by the state Emergency Management Agency, if this material is regulated under the provisions of MCA 1972, § 45-14-51 et seq. and regulations issued by the state board of health.
- (f) Liability insurance. Manufacturers, users, storers, transporters and disposers of hazardous material shall have sufficient liability insurance to protect the city and the general public at large from possible death, injury or damage to any person or property due to manufacture, use, storage, transportation or disposal of this material.
- (g) *Indemnification*. Manufacturers, users, storers, transporters and disposers of hazardous material shall be required to hold the city harmless for all claims, actions or proceedings in law or equity arising out of death, injury or damage to persons or property arising from hazardous material incidents/accidents within the city, including all costs of defending same; provided however, that nothing contained in this section shall be construed as a waiver of the city's governmental immunity.
- (h) Responsibility for cleanup costs. Manufacturers, users, storers, transporters and disposers of hazardous material shall be responsible for the cost of the cleanup of hazardous material accident sites, to include professional personnel deemed necessary by city and state officials to provide necessary guidance of proper cleanup and decontamination efforts. These decontamination and cleanup operations must meet the requirements of the United States Environmental Protection Agency, state bureau of pollution control, department of natural resources, and the city.

(Code 1971, § 14 1/2-6)

Sec. 106-218. Enforcement of article.

The city fire and police departments are expressly authorized to enforce the provisions of this article.

(Code 1971, § 14 1/2-7)

Sec. 106-219. Disclaimer.

Nothing in this article shall be construed in any way as modifying, altering, or repealing any affecting laws regulating weight limit and load size on any street lying within the city or the city fire codes relative to fire prevention.

(Code 1971, § 14 1/2-8)

Sec. 106-220. Hazardous material operation plan.

- (a) A contingency plan for handling hazardous material incidents shall be adopted and maintained by order of the city council.
- (b) All municipal departments and agencies shall perform those functions assigned by the hazardous material incidents and accidents contingency plan and maintain a current state of readiness at all times. (Code 1971, § 14 1/2-9)